

interstate commerce, bakery products adulterated as alleged in the complaint. On 9-16-47, after a hearing in the matter, an order was entered rescinding the temporary injunction and dismissing the proceedings.

FLOUR

23407. Flour. (Inj. No. 185.)

COMPLAINT FOR INJUNCTION FILED: 2-4-48, N. Dist. Ohio, against Hardesty Milling Co., a corporation, Dover, Ohio.

CHARGE: The complaint alleged that the defendant had been and was introducing and causing to be introduced and delivering and causing to be delivered, for introduction into interstate commerce, flour which was adulterated within the meaning of 402 (a) (3) and (4) in that it contained insects, insect fragments, larvae, pupae, moth scales, and rodent hair fragments, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

The complaint alleged further that the insanitary conditions existing in defendant's plan arose out of the presence of beetles, moths, insect webbing, and rodents in and around the machinery and equipment used for preparing flour, thereby contaminating such food and subjecting it to contamination; and, further, that the defendant continued and, unless restrained, would continue to introduce and cause to be introduced, for introduction into interstate commerce, flour adulterated as aforesaid.

DISPOSITION: On 2-13-48, the court issued a temporary injunction enjoining the defendant from introducing or causing to be introduced and delivering or causing to be delivered, for introduction into interstate commerce, flour adulterated within the meaning of Sections 402 (a) (3) and (4). On 9-10-48, the defendant having sold its plant, the action was dismissed.

23408. Flour. (F. D. C. No. 33875. S. Nos. 2-236/41 L.)

QUANTITY: 188 100-lb. bags at Tallahassee, Fla.

SHIPPED: 6-16-52 and 7-15-52, from Springfield, Ill.

LIBELED: 9-24-52, N. Dist. Fla.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 11-30-53. Consent—claimed by Pillsbury Mills, Inc., Springfield, Ill., and converted to animal feed.

MACARONI AND NOODLE PRODUCTS

23409. Egg noodles (2 seizure actions). (F. D. C. Nos. 33674, 34063. S. Nos. 33-811 L, 34-690 L, 53-711 L.)

QUANTITY: 136 cases, 24 5-oz. bags each, at Detroit, Mich., and 15 cases, 24 5-oz. bags each, and 25 cases, 24 8-oz. bags each, at Granite City, Ill.

SHIPPED: Between 6-20-52 and 7-28-52, from St. Louis, Mo., by American Beauty Macaroni Co.

LABEL IN PART: (Bag) "American Beauty Tenderized Pure [or "Kringly 'Non-Skid'"] Egg Noodles * * * Contains 5½% Egg Solids."

LIBELED: 9-4-52, S. Dist. Ill., and 9-23-52, E. Dist. Mich.

CHARGE: 402 (b) (1)—a valuable constituent, egg, had been in whole or in part omitted from the article when shipped; 403 (a)—the label statement "contains 5½% Egg Solids" was false and misleading; and 403 (g) (1)—the article contained less than 5½ percent by weight of the solids of egg or egg